

October 13, 2003

BYUM LEE
2718 151ST PL SW #102
LYNNWOOD WA 98037

Subject: PDC Case No. 04-236

Dear Mr. Lee:

The Public Disclosure Commission staff has completed its investigation of your complaint filed on September 8, 2003, alleging that Kevin Quigley failed to include a clearly spoken statement of sponsor identification in broadcast political advertising, a violation of RCW 42.17.510, and alleging that Mr. Quigley's political advertising falsely implied that he was the incumbent Snohomish County Executive, a violation of RCW 42.17.530.

The PDC staff reviewed your allegations in light of the following statutes:

RCW 42.17.510 requires all broadcast political advertising to include a clearly spoken statement identifying the advertising's sponsor.

RCW 42.17.530 prohibits a person from sponsoring with actual malice political advertising that falsely represents that a candidate is the incumbent for the office sought when in fact the candidate is not the incumbent. "Actual malice" means to act with knowledge of falsity or with reckless disregard as to truth or falsity. Any violation must be proven by clear and convincing evidence.

You alleged that Kevin Quigley's broadcast political advertising failed to include a clearly spoken statement of sponsor identification. You further alleged that the statement in the advertising describing Mr. Quigley's candidacy lacked either the word "for" or "elect," implying that he was the incumbent county executive.

We found that:

- Kevin Quigley's televised political advertising originally contained an emblem in which his name was positioned directly above the phrase

“County Executive,” without either the words “for” or “elect” to indicate that he was not the incumbent Snohomish County Executive.

- The spoken content of Mr. Quigley’s advertisement included the statement that he was currently the president of a shipyard, and the statement that he would bring to the office of Snohomish County Executive certain qualities and values which had made the shipyard a success. These statements imply that he is not the incumbent county executive.
- The advertising contained written sponsor identification, but did not include a clearly spoken statement identifying the sponsor.
- On September 8, 2003, PDC staff contacted Mr. Quigley and asked him to correct his broadcast political advertising to include spoken sponsor identification, and to clearly state that he was seeking the office of Snohomish County Executive. Mr. Quigley took immediate action on September 9th to correct the omission of spoken sponsor identification and the implied incumbency and in his broadcast advertising. On September 12, 2003, a warning letter was sent to Mr. Quigley concerning his failure to include spoken sponsor identification in the advertisement.

Because Mr. Quigley’s broadcast advertising, taken as a whole, implied that he did not hold the office of Snohomish County Executive, and because he promptly took action to correct his advertising, revising it so that it contained spoken sponsor identification and a clear statement of non-incumbency, no further enforcement action is warranted in this case.

After a careful review of the alleged violations and relevant facts, we have concluded our investigation and, with the concurrence of the Chair of the Public Disclosure Commission, I am dismissing your complaint against Kevin Quigley.

Sincerely,

Vicki Rippie
Executive Director

c: Kevin Quigley